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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/625,297

07/22/2003

Mitchell Cecil Hand

7885

41131

7590

01/04/2005

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2010 WEST SEVENTH STREET
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EXAMINER

ZEADE, BERTRAND

ART UNIT

PAPER NUMBER

2875

DATE MAILED: 01/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/625,297	Applicant(s) HAND, MITCHELL CECIL	
	Examiner Bertrand Zeade	Art Unit 2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-2, 8-11, 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Kawahara (U.S.6558022).

Kawahara (6558022) discloses an illumination display system and method for creating decorative light image having:

Regarding claim 1 as shown in all (figs. 1-10), selecting a pattern or drawing (14/18) evocative of an association on the part of an intended user of the luminaire (10) with a person, place or thing, and forming the pattern (14/18) on at least certain surfaces of the luminaire (10). The pattern (14/18) being visible to the user on use of the luminaire (10) in a normally intended manner.

Regarding claim 2 as shown in all (figs. 1-10), the pattern (14/18) is a diamond tread plate pattern.

Regarding claim 8 as shown in all (figs. 1-10), the thing is a motor sport activity.

Regarding claim 9 as shown in all (figs. 1-10), surfaces visible to a user on ordinary operation of the luminaire (10), and, a pattern (14/18) formed on at least

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portions of the surfaces of the luminaire (10), the pattern (14/18) being evocative of an association on the part of a user with a person, place or thing.

Regarding claim 10 as shown in all (figs. 1-10), the pattern is a diamond tread plate pattern.

Regarding claim 11 as shown in all (figs. 1-10), the thing is a motor sport activity.

Regarding claim 17 as shown in all (figs. 1-10), the luminaire (10) has at least one lamp (16) and lamp holders or support structure (20) mounting the lamp (16). The lamp (16/54) holders (20) being colored a color reminiscent or paint of an activity association with the pattern (col. 5, lines 65-67).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3-7, 12-16, 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over kawahara (6558022) in view of Herst et al. (U.S.6193394).

Kawahara discloses the claimed invention except for a housing.

Herst (6193394) teaches a direct-indirect luminaire having down light glare control.

Regarding claim 3 as shown in all (figs. 2-3) of Kawahara, the luminaire is a shop-light.

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Regarding claim 4 as shown in all (figs. 1-10) of Kawahara, the pattern (14/18) is a diamond tread plate pattern.

Regarding claim 5 as shown in all (figs. 2-3) of Kawahara, the shop-light comprises a housing (13) portion and at least one reflector portion (45).

Regarding claim 6 as shown in all (figs. 2-3) of Kawahara, the housing (13) portion and the reflector portion (45) are integrally formed.

Regarding claim 7 as shown in all (figs. 1-10) of Kawahara, the material comprising the housing portion (13) also comprises the reflector portion (45).

Regarding claim 12 as shown in all (figs. 2-3) of Kawahara, the luminaire is a spotlight.

Regarding claim 13 as shown in all (figs. 2-3) of Kawahara, the luminaire comprises a housing portion (13) and at least one reflector portion (45).

Regarding claim 14 as shown in all (figs. 2-3) of Kawahara, the material comprising the housing (13) portion also comprises the reflector portion (45).

Regarding claim 15 as shown in all (figs. 2-3) of Kawahara, the housing (13) portion and the reflector (45) portion are integrally formed.

Regarding claim 16 as shown in all (figs. 2-3) of Kawahara, the material comprising the housing (13) portion also comprises the reflector (45) portion.

Regarding claim 18 as shown in all (figs. 2-3) of Kawahara, the color is black.

It would have been obvious to one of ordinary skill in the art at the time invention was made to provide the illumination display system of Kawahara ('022) with the housing taught by Herst ('394), since the housing of Herst ('394) would provide an

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enclosure of Kawahara ('022) with an opening and at least one down light passage area ,because the down light area can be any opening or combination of openings through which light can pass to illuminate the area.

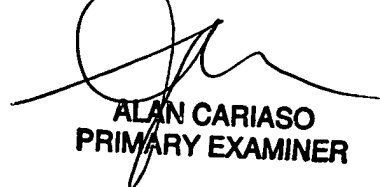
Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bertrand Zeade whose telephone number is 571-272-2387. The examiner can normally be reached on 9:30 AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 571-272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Bertrand Zeade
Examiner
Art Unit 2875


ALAN CARIASO
PRIMARY EXAMINER